

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Helmut D. LINK

Application No.: 10/687,933

Filing Date: October 20, 2003

For: CERVICAL INTERVERTEBRAL  
PROSTHESIS SYSTEM

Examiner: D. C. Comstock

Group Art Unit: 3733

Confirmation No.: 8319

**INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97 & § 1.98**

MS Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. Copies of the documents are also submitted herewith. The Examiner is requested to make these documents of record.

Cite nos. 2 and 3 listed on the attached Form PTO/SB/08a/b were cited in a Japanese Office Action mailed on July 14, 2009, directed to a counterpart foreign application and have not been previously cited. Concerning a brief explanation of relevancy of the teachings of the cited foreign prior art reference to the present invention pursuant to 37 CFR 1.98(a)(3)(i), Applicants indicate on the attached Form PTO/SB/08a/b that WO-02/080818 corresponds to US-2004/0153157 (a U.S. counterpart). A certification under 37 C.F.R. § 1.97(e)(1) follows:

I hereby certify that each item of information was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

This Information Disclosure Statement is submitted after mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee. A Certification under 37 C.F.R. § 1.97(e) is provided above and the appropriate fee is submitted herewith.

Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 24647200600.

Dated: October 6, 2009

Respectfully submitted,

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